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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,718

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Aaron Bangor

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TOLER LAW GROUP
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SUITE A201
AUSTIN, TX 78759

EXAMINER

PITARO, RYAN F

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

06/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,718	Applicant(s) BANGOR, AARON	
	Examiner RYAN F. PITARO	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-18, 20, 24-31, 33, 35, 36, 38, 40, 41, 43, 45, 47, 49-56, 61, 62 and 64-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-9,11-18,20,24-31,33,35,36,38,40,41,43,45,47,49-56,61,62 and 64-67.

DETAILED ACTION

1. Claims 1-9,11-18,20-21,24-31,33,35,36,38,40,41,43,45,47-67 have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/2008 has been entered.

Response to Amendment

2. This action is in response to the Amendment filed 2/27/2008. In the Amendment claims 1-9,11-18,20,24-31,33,35-36,38,40-41,43,45,47,49-56,61-62,64-67 were amended, and claim 68 was added as new.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9,11-18,20,24-31,33,35-36,38,40-41,43,45,47,49-54,56,61-62,64-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustek ("Mustek", Attaching with Yahoo") in view of Eudora ("Eudora", "E-mail Attachments in Eudora: How to be a Super Sender").

As per claim 1, Mustek, attaching with Yahoo, teaches a web-based email system comprising: a graphical user interface (GUI) hosted by an email web server (Page 1, Yahoo! Mail), the GUI comprising: a first user-selectable button having associated text that includes a verbal of "attach" (Page 2, Make and Attachment), wherein in response to selection of the first user-selectable button a user is enabled to select a file to be attached to an email message (Page 2, by clicking the "Make an attachment" button a user is enabled to select a file to be attached using the attachment window), a list to display selected one or more files to attach, the list including the user-selected file (Page 2, #4 Attachment window, attachments 1,2, and 3); and a second user-selectable button having associated text that includes an imperative for "attach" (Page 2, #4, Attach) wherein in response to selection of the second user-selectable button the one more files displayed in the list are attached to the email message for

subsequent electronic transfer (Page 2 # 5 and 6, Click attach and all the names of the attached files appear to the right of the make an attachment button).

Mustek fails to expressly point out selecting a file in response to selection of the first selectable button.

However, Eudora teaches in response to selection of said first user-selectable button a file is capable of being selected by a user (Pages 2-3).

Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Eudora with the system of Mustek.

Motivation to do so would have been to reduce the step of selecting the browse button, resulting in a quicker file attachment.

Claims 2-9,11-18,20 are rejected under similar rationale, as claim 1, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 24, Mustek-Eudora teaches a GUI wherein the first user-selectable button is to instantiate a GUI element to find at least one file to attach to a message (Mustek, Page 2, Attachment window).

As per claim 25, Mustek-Eudora teaches a GUI wherein the GUI element comprises a dialog box (Mustek, Page 2 attachment).

As per claim 26, Mustek-Eudora teaches a GUI wherein the first user selectable button is to initiate a file browser of an operating system (Eudora, Page 3, Find document file dialog screen...).

Claims 27 and 28 are similar in scope to that of claim 1 and are therefore rejected under similar rationale.

Claims 29-31,33,35,36,38,40,41,43,45,47 are rejected under similar rationale, as claim 27, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

Claims 49-50 are rejected under similar rationale as claim 48, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 51, Mustek-Eudora teaches a method wherein the GUI element comprises a dialog box (Eudora, Page 2, dialog box).

As per claim 52, Mustek-Eudora teaches a method wherein the GUI element comprises a file browser of an operating system (Eudora, Page 2, Mac or PC).

As per claim 53, Mustek-Eudora teaches a method wherein the text is included in a tag associated with the first user-selectable button (Eudora, Page 2-3).

As per claim 54, Mustek-Eudora teaches a method further comprising displaying the text in response to a mouse-over event associated with the first user-selectable button (Eudora, Page 2-3, inherent tool tip).

Claim 56 is similar in scope to that of claim 27 and is therefore rejected under similar rationale.

As per claim 61, Mustek-Eudora teaches the system of claim 1, wherein the GUI is rendered within an Internet browser application (Mustek, Yahoo!).

As per claim 62, Mustek-Eudora teaches the system of claim 61, wherein in response to the selection of the first user-selectable button, the Internet browser application opens up a file browser associated with an operating system (Eudora, Page 2-3).

As per claim 64, Mustek-Eudora teaches a system wherein the GUI is rendered with an Internet browser application (Mustek, Yahoo!).

As per claim 65, Mustek-Eudora teaches a system wherein in response to the selection of the first user-selectable button the Internet browser application initiates the file browser of the application (Eudora, Page 2-3).

As per claim 66, Mustek-Eudora teaches a system wherein the GUI is rendered with in an Internet browser application (Mustek, Yahoo!).

As per claim 67, Mustek-Eudora teaches a system wherein the GUI element comprises a file browser of an operating system (Mustek, Page 2 Attachment Window).

As per claim 68, Mustek-Eudora teaches a system wherein the GUI includes a list box to display the selected one or more files to attach (Mustek, Attachment window)

4. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mustek ("Mustek", Attaching with Yahoo") in view of Eudora ("Eudora", "E-mail Attachments in Eudora: How to be a Super Sender").

As per claim 55, Mustek-Eudora fails to teach audibly displaying text. However OFFICIAL NOTICE is taken that audibly displaying text is notoriously well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the method of Mustek-Eudora. Motivation to do so would have been to provide a way to communicate text with those with visual impairments.

Response to Arguments

Applicant's arguments with respect to claims 1-9,11-18,20-21,24-31,33,35,36,38,40,41,43,45,47-68 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes that the factual assertion set forth under Official Notice in the previous office action was not contested.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. F. P./
Examiner, Art Unit 2174

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174

Application/Control Number: 10/614,718
Art Unit: 2174

Page 10